

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION, UNITED HEALTHCARE  
WORKERS-WEST**

**and**

**Case 32-CB-7135**

**LIFEHOUSE SAN JOSE**

**ORDER**

The petition to revoke subpoena ad testificandum A-894316 filed by the Service Employees International Union, United Healthcare Workers-West is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.<sup>1</sup> See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., October 5, 2011.

MARK GASTON PEARCE,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER

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<sup>1</sup> Member Hayes would hold the petition to revoke in abeyance for 30 days to provide the Region an opportunity to file a supplemental opposition explaining why further evidence is necessary to determine if a complaint should issue, and why such evidence can only be obtained through the testimony of the Union's negotiator, Myriam Escamilla.